

REMARKS

Claims 1-10 are all the claims pending in the application, of which claims 1 and 5 are independent.

Statement of Substance of Interview

Applicants thank the Examiner for the courteous Interview of January 15, 2010.

During the Interview, the parties discussed the rejection of claim 5 under 35 U.S.C. § 112, first paragraph, and the portions of the specification that support the “receiving on the keyboard” feature of claim 5. Applicants’ representative pointed to the paragraph spanning pages 3 and 4 and the paragraph spanning pages 5 and 6 of the present specification. In view of this disclosure, the Examiner agreed that the rejection was overcome.

The parties also discussed the rejection of claim 5 under 35 U.S.C. § 112, second paragraph and proposed amendments for overcoming the rejection. The parties agreed that amending claim 5 to recite “at a time of franking” (emphasis added) would overcome this rejection.

The parties also discussed the rejection of claim 5 under 35 U.S.C. § 101 and proposed amendments for overcoming the rejection. The parties agreed that amending claim 5 to recite “comparing by the processing unit of the franking system” would overcome this rejection.

Additionally, the parties discussed the rejection of claim 1 under 35 U.S.C. § 103 over Baum in view of Dlugos, and proposed amendments for overcoming the rejection. The parties agreed that adding the phrase “one by one” before the word “postal” in line 8 of claim 1 would distinguish claim 1 from the cited references.

The Examiner also suggested an editorial amendment to claim 5, line 2.

The present amendments to the claims correspond to those discussed during the Interview.

Claim Rejections - 35 USC § 112

Claims 5-10 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Examiner alleges that there is not adequate support for “receiving on the keyboard a decision of the operator whether to replace the current postal data with new postal data” (Office Action, page 6).

As discussed during the Interview, the present specification states that the control device 110 receives orders from an integrated entry member 120 (for example a keyboard) (paragraph spanning pages 3 and 4) and that certain data is entered via the keyboard (paragraph spanning pages 5 and 6). The specification also states that a message is addressed to the operator inviting him to change the postal data being used, and that the operator responds positively or negatively (page 6, lines 15-18 and 24, and page 7, lines 3-4).

In light of the above disclosure, it is respectfully submitted that claims 5-10 have adequate support in the originally filed specification.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

Applicants have replaced “the time of franking” with “a time of franking” in claim 10 and have deleted the phrase “at the time of franking” in claim 1. Therefore, withdrawal of the present rejection is respectfully requested.

Claim Rejections - 35 USC § 101

Claims 5-10 are rejected under 35 U.S.C. 101 because allegedly the claimed invention is directed to non-statutory subject matter.

By way of the present Amendment, Applicants have amended claim 5 to recite “comparing by the processing unit of the franking system.” It is respectfully submitted that claim 5 is now intimately tied to a particular machine and complies with the requirements of 35 U.S.C. § 101. Therefore, reconsideration and withdrawal of the present rejection are respectfully requested.

Because the present amendments to claim 5 overcome the rejections under 35 U.S.C. § 112 and 35 U.S.C. § 101, it is respectfully submitted that these claims are now in condition for allowance.

Claim Rejections - 35 USC § 103

Claims 1-3, 6, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Baum et al. (U.S. Patent 7,103,583; hereinafter “Baum”) in view of Dlugos et al. (U.S. 6,463,133; hereinafter “Dlugos”). Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baum in view of Dlugos, and further in view of Thiel (U.S. 6,321,214). Claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baum in view of Dlugos and further in view of official notice. Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baum in view of Dlugos, and further in view of Eckert (U.S. 4,516,014).

By way of the present Amendment, Applicants have amended claim 1 to add the phrase “one by one” after “comparing means for comparing.” The present specification provides adequate support for this feature at least on page 5, lines 6-10.

Baum merely discloses comparing a release order number of the postal tariffs tables. On the other hand, in the invention of claim 1, the current and new postal data are compared datum by datum. It is respectfully submitted that the unique combination of claim 1 allows a postal tariff of the first table to be replaced with a postal tariff of the second table at the operator's request, which is not possible in the arrangement of Baum.

Furthermore, Dlugos does not disclose or suggest the claimed one by one comparison.

Thus, claim 1 should be patentable over Baum and Dlugos at least because the combination of cited references fail to disclose or suggest "a processing unit comprising comparing means for comparing one by one postal data in said first table of postal tariffs with corresponding postal data in said second table of postal tariffs."

Additionally, the Examiner alleges that Baum discloses that the scale 22 waits for an input, and once an input ensues, a handshake signal is sent to the scale 22 to check whether a conversion of the service data is required (Office Action, page 5). The Examiner alleges that this disclosure corresponds to emitting at the time of franking a message alerting that the postal data has been changed (Office Action, page 5).

Applicants respectfully submit that such disclosure of Baum merely corresponds to processing but does not correspond to emitting a message to the operator.

Thus, it is respectfully submitted that claim 1 is also patentable over Baum and Dlugos because the combined references do not disclose or suggest the claimed "means for emitting to the operator of the franking system a message alerting that postal data corresponding to the mail item to be franked has been changed."

Accordingly, claim 1 should be patentable over the cited references because none of the references, either alone or in combination, disclose or suggest all of the features of claim 1.

Claim 5 includes similar features as those recited in claim 1. Therefore, claim 5 should be patentable over the cited references for at least the same reasons as those of claim 1.

Claims 2, 3, 6, 7, 9, and 10 should be patentable at least by virtue of their dependencies on one of claims 1 and 5.

Thiel and Eckert fail to supply the deficiencies of Baum and Dlugos in that neither Thiel nor Eckert disclose or suggest the claimed one by one comparison of the postal data. Thus, claims 4 and 8 are patentable at least by virtue of their respective dependencies on claims 1 and 5.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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